

Assembly Title 21 Committee Summary of Discussion on Meeting August 5, 2005 Public Review Draft #1, Discussion Chapter Three

p. 34, line 28..... The committee felt it would probably be helpful to have a check off for projects involving Class A or B wetlands in order to be sure that the Corps of Engineers had given approval for the project before the pre-application conference.

p. 35, line 2-5..... This is a reduction from the last draft which contained a 50 percent increase. One committee member suggested small projects of less than an acre may still benefit from the 50%.

p. 36, line 20-25..... There was some discussion about how much time should be given after the pre-application conference before the entire application must be submitted. Several committee members suggested either extending to 12 or 18 months or allowing more than one extension.

p.38-39 There were several concerns about the required community meetings. Should they be centered around community councils? How should they be noticed, should they be discretionary, should the waiver process include small projects? Generally the committee felt the language reasonable. There was some question about MOA's responsibility in providing mailing lists for projects and the cost for such notification. One proposal was for MOA to provide notification for both the public hearing and the community meeting in order to ensure that all necessary notification had occurred. There was also concern expressed about the clarity of the current notification posters. The table which accompanies this section needs to be reviewed and considered relative to the three forms of notice which can be required. Further, there is no provision for website notification.

p. 42, line 6-10..... Notification is required for the 50 parcels nearest the land subject to application. In Turnagain Arm and Chugiak that could require notices be sent to properties miles away from the subject property. There were several questions about the possibility of posting notification on the web. This could cut costs and potentially reach more people.

p. 42, line 40... It was suggested to add the word "public" before "hearing" for clarity.

p. 43, line 20-27..... Concurrent processing: A concern was expressed that we need to try and avoid requiring multiple trips to multiple agencies. Under current law, the Planning and Zoning Commission can hear platting matters when there are issues before P&Z which require platting action. According to staff, this is because the Platting Board is an adjunct to the P&Z Commission. The view was expressed that we need to allow/require more of this to avoid the necessity of applicants going to multiple boards and commissions for one project. Au contraire: each board or commission has its own expertise which may be lacking in a board or commission which hears a consolidated matter. The answer may lie in reducing the number of boards and commissions and increasing the membership of those that remain.

p. 44, line 1-8..... It was felt this language was not in accord with the recent Assembly action on this topic.

p. 45, line 15..... It was clarified that the “decision making body” varied by situation and content. There was some question about the language “any citizen may propose a plan amendment at any time”. Does this mean anything brought to the planning department will go through a full staff and board review? It was suggested it might be helpful instead to bring the concept to the Assembly first in order to see if there was sufficient interest to warrant staff and commission analysis. The problem with the current language is that it opens up the Comprehensive plan to the revision process by anyone at any time. This takes up the staffs’ time when the proposed amendment may not have merit. One suggestion was to limit the right to propose amendments to the Comprehensive to the Assembly, P&Z and Planning Staff.

p. 48, line 12-15.....This section again says any resident may propose a plan amendment. It goes on to say the “petitions for amendment shall be filed with the Director” This potentially could use vast amounts of staff time on issues with very little public or Assembly support.

p.45, line 21-39..... There appears to be no process or procedure for plan amendment appeals which are referred by the Director to P&Z which then may decide not to take up the issue at all. One possible solution would be to provide Assembly notification of issues denied by P&Z in order to determine if at least three Assembly members are interested.

p. 48, line 27-36..... Differences of opinion were expressed over the proposed limitation Title 21 amendments to two times a year. One member thought that was too frequent, other members thought it too strict to be workable.

The conflict in all of these sections lies between allowing amendments, but at the same time providing for certainty in the law.

p. 49, line 7-9..... The language is unclear. Shouldn't the director draft the ordinance for the Commission's hearing? Staff advised that it is the practice to have the draft ordinance before the commission at its hearing.

p. 50, line 14-18..... Concern was expressed about the prohibition on hearing a similar issue within one year. What if the Assembly was substantially different during that time period?

p. 52, line 4..... This includes "visual and aesthetic information" related to the rezone. Concern was expressed about the kind of criteria to be used to judge this information?

p. 53, line 16..... One committee member requested asking for the protest information earlier than one day before the public hearing in order for the Assembly to have time to investigate.

p. 54, line 7..... Are there standards for defining "significant adverse impact"? The planning department indicated that would be at the discretion of the Assembly.

p. 55.... Overlay Districts: There was discussion and question about amending the "purpose and applicability" of such districts to allow the creation of districts that are less restrictive, possibly by adding another category (f). The committee also discussed the possibility of adding language for wildfire-urban interface districts as overlay zones vs. the possibility of adding such language to the building code.

p. 55, line 28-31..... One committee member questioned the size limitation of two acres as possibly being too small.

p. 56, line 30-36..... Neighborhood conservation districts, a subset of overlay districts, can only be created by recommendation of the UDC or P&Z. There was some question about this possibly being too restrictive. Like the pending legislation involving “Neighborhood Plans”, there are pros and cons to this issue. The conflict is between the interests of some in the neighborhood versus the broader public interest of the city as a whole. Also, this process risks being “kidnapped” by special interests. In the view of some, this process should be very circumscribed.

p.58, line 19..... One committee member questioned the requirement that ALL improvements be installed prior to issuance of building or land use permits. The planning department believes the option of submitting an approved subdivision agreement makes this a workable requirement.

p. 59..... Existing Title 21 and the previous draft contained language granting waivers or exemptions of the subdivision standards for large parcels. This draft eliminates such language. Questions were asked about the implications of the deletion.

p.60, line 33.....One committee member expressed concern about allowing up to 60 months until a plat is finalized, since no enforcement action is possible until that time limit ends. One solution is to allow for 24 months in most instances, but more time (up to 60 months) when specific, enumerated circumstances warrant and the Platting Authority so finds.

The next committee meeting will be held on August 12 at the planning department from 10 to 12. We will continue discussing Chapter 3.

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